

Amendment and Response

Applicant: Timothy S. Wasinger et al.

Serial No.: 09/847,051

Filed: May 1, 2001

Docket No.: PA0528.ap.US

Title: VIDEO GAMING APPARATUS FOR WAGERING WITH UNIVERSAL COMPUTERIZED
CONTROLLER AND I/O INTERFACE FOR UNIQUE ARCHITECTURE

REMARKS

This Amendment is in response to the Non-Final Office Action mailed April 14, 2003. Claims 1-23 were rejected. Claims 24-26 have been added. Claims 1-26 remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 103

Claims 1-3, 5-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedrick et al., U.S. Patent No. 6,135,884 (hereinafter "Hedrick") in view of Mardsen et al., Development of a PC-Windows Based Universal Control System, 5th Intl. Conf. on FACTORY 2000, 2-4 April, 1997, Conf. Pub. No. 435 (hereinafter "Mardsen") and WinSystems, <www.winsystems.com> downloaded from the Internet on Apr. 2, 2003 (hereinafter "WinSystems"). Further, claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hedrick in view of WinSystems and Mardsen, as applied to claims 1 and 18 above, in further view of Carlson, U.S. Patent No. 5,707,286. Applicants submit that Hedrick, either alone or in combination with Marsden and WinSystems, does not teach or suggest the invention of claims 1-23.

Independent claim 1 recites a computerized wagering gaming system. The system comprises a universal computerized game system, game system devices and a game translator system. The a universal computerized game system is operable to control a computerized wagering game, and includes a controller interface and a universal controller for processing game and operating system instructions. The game translator system translates game events between the game system devices and the universal game control system, wherein the controller interface operates as an interface between the universal controller and the game translator system.

Hedrick discloses a video display gaming machine 210, including a main display 220 and a secondary display 219. (Col. 5 and Col. 6). The main display 220 may be mechanical (spinning reels) or video, and presents results of play on the gaming machine. The secondary

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display 219 is located outside of the main display (e.g., as part of a “Top Box”), is preferably a video display, and is used to display secondary game events (e.g., primary game information, display game themes, bonus game events, or provide a menu for casino services). (Col. 15 and Col. 16).

Secondary reference Marsden teaches development of a PC-Windows based universal control system, for example using the control system with multiple related apparatuses such as that present at a plant or facility. Secondary reference WinSystems teaches that they specialize in design and manufacture of embedded PC’s for use in industrial and OEM applications utilizing PC/104, STD Bus, and Single Board Computer technologies. WinSystems discloses a number of off the shelf modules for input/output. Although Applicants believe the WinSystems reference is not relative to the invention of this application, Applicants also note that WinSystems cannot be used as a prior art reference for the rejection under 35 U.S.C. 103(a) in this case. For a reference to be used as prior art for a 35 U.S.C. 103 rejection, the reference must qualify as prior art under 35 U.S.C. 102. (MPEP 2141.01) “Prior art disclosures on the Internet ... are considered to be publicly available as of the date the item was posted. If the publication does not include a publication date (or retrieval date), it cannot be relied upon as prior art under 35 U.S.C. 102(a) or (b). . . .” (MPEP 2128) The only date provided in this case is the retrieval date of April 2, 2003, which is long after the filing date of May 1, 2001 for this application. Therefore, WinSystems has not been established as prior art in this case and cannot be relied upon for the 35 U.S.C. 103(a) rejection.

Applicants submit that Hedrick, either alone or in combination with secondary references Marsden and WinSystems, does not teach or suggest **the computerized wagering gaming system** of independent claim 1. As admitted by the Examiner, Hedrick fails to disclose a **universal computerized game system operable to control a computerized wagering game including a universal controller for processing game and operating instructions**. The Examiner further conceded that Hedrick fails to disclose a **game translator system for translating game events between the game system devices and the universal game control system, wherein the controller interface operates as an interface between the universal**

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controller and the game translator system. The Examiner concludes that “Regardless of these deficiencies, these features were known in the art at the time of the invention and would have been obvious to an artisan in view of the prior art.” (See Office Action, p.3).

Neither Marsden nor WinSystems teach a **universal computerized game system operable to control a computerized wagering game including a universal controller for processing game and operating system instructions, and a game translator system for translating game events between the game system devices and the universal game control system, wherein the controller interface operates as an interface between the universal controller and the game translator system.** Both the Marsden and WinSystems references merely teach the use of universal controllers and input/output modules for industrial applications, not a **universal controller for processing game and operating instructions, or a game translator system.** As such, one could not apply the teachings of Hedrick, either alone or in combination with Marsden and WinSystems, and arrive at the invention of Independent claim 1.

Even if Hedrick in combination with Marsden and WinSystems disclosed the claimed invention, none of the references teach or suggest such a combination, which is required in order to establish a *prima facie* claim of obviousness. Hedrick actually teaches away from using a universal controller for processing game and operating system instructions. Hedrick expressly states, “CPU 502 is performs operations associated with executing plays on the gaming machine. Preferably, CPU 502 is a custom gaming machine CPU such as the 80960 microprocessor used in IGT gaming machines and manufactured by Intel Corporation. (Col. 8, lines 12-23).” Neither Marsden nor WinSystems teach a universal controller for processing game instructions or a game translator system.

In view of the above, Applicants submit that Hedrick, either alone or in combination with Marsden and WinSystems, does not teach or suggest the invention of independent claim 1. Applicants respectfully submit that the above rejection under 35 U.S.C. 103(a) be withdrawn.

Dependent claims 2-17 depend directly or indirectly upon independent claim 1. Accordingly, dependent claims 2-17 are also allowable over the art of record.

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Hedrick, either alone or in combination with Marsden and WinSystems, also does not teach or suggest the claimed recitations in independent claim 18. Independent claim 18 recites a computerized wagering gaming system. The system includes a universal computerized game system, game system devices and a game translator system. The universal computerized game system operates to control a computerized wagering game, including a controller interface and a universal controller for processing game and operating system instructions. The controller interface operates as an interface between the universal controller and the game translator system. For at least the reasons stated above in reference to Independent claim 1, Hedrick, either alone or in combination with Marsden and WinSystems, does not teach or suggest these claimed recitations. Applicants respectfully submit the above rejection under 35 U.S.C. 103(a) should be withdrawn.

Hedrick, either alone or in combination with Marsden and WinSystems, also does not teach or suggest the claimed recitations in independent claim 19. Independent claim 19 recites a method for reconfiguring a computerized wagering game apparatus having a harness for associating memory with output devices in the apparatus. The method includes removing an original special-purpose computerized game controller used to control a computerized wagering game from the apparatus, the original computerized game controller designed to and capable of working exclusively with a particular computerized wagering game apparatus; inserting a computerized wagering gaming system including a universal computerized game system operable to control a computerized wagering game, including a controller interface and a universal controller for processing game and operating system instruction, and a game translator system for translating game events between game system devices and the universal game control system, wherein the controller interface operates as an interface between the universal controller and the game translator system. The Examiner admits that the references do not describe the particular steps of "performing a retrofit." Further, Hedrick expressly describes changing out firmware, not hardware, to retrofit. (Col. 2, lines 40-60). For at least these reasons and the reasons stated above in reference to Claim 1, Hedrick, either alone or in combination with

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Marsden and WinSystems, does not teach or suggest these claimed recitations. Applicants respectfully submit the above rejection under 35 U.S.C. 103(a) should be withdrawn.

Hedrick, either alone or in combination with Marsden and WinSystems, also does not teach or suggest the claimed recitations in independent claim 20. Independent claim 20 recites a process for modifying game controls in a casino wagering system. The process includes removing a motherboard from a gaming apparatus comprising a housing, a monitor, a motherboard comprising memory for executing game rules and game rules; and replacing the mother board with a computerized wagering gaming system including a universal computerized game system operable to control a computerized wagering game, including a controller interface and a universal controller for processing game and operating system instruction, and a game translator system for translating game events between game system devices and the universal game control system, wherein the controller interface operates as an interface between the universal controller and the game translator system. The Examiner admits that the references do not describe the particular steps of “performing a retrofit.” Further, Hedrick expressly describes changing out firmware, not hardware, to retrofit. (Col. 2, lines 40-60). For at least these reasons and the reasons stated above in reference to Claim 1, Hedrick, either alone or in combination with Marsden and WinSystems, does not teach or suggest these claimed recitations. Applicants respectfully submit the above rejection under 35 U.S.C. 103(a) should be withdrawn.

Dependent claims 21-23 depend directly upon independent claim 20. Accordingly, these dependent claims are allowable over the art of record.

Added Claims

Claims 24-26, which depend from claim 18, have been added. Applicants submit that these dependent claims are also allowable over the art of record. These three claims specifically recite the additional limitations of:

24. “the game translator is configured to automatically detect a connection of the game system devices to the game translator.”

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25. “the game and operating system instructions are executed in a LINUX operating system.”

26. “ the game system devices include at least one device selected from the group consisting of: a button, keyboard, joy stick, pressure plate, touch screen, speaker, output display, light, security system, jackpot control, card reader, and coin sensor.”

Not only is claim 18, from which claims 24, 25 and 26 depend, patentable as shown above, but these three additional limitations clearly further distinguish the claimed subject matter from the combined teachings of the three references.

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CONCLUSION

In light of the above, Applicant believes independent claims 1, 18, 19, and 20 and the claims depending therefrom, are in condition for allowance. Allowance of these claims is respectfully requested.

It is believed that all claims are now in a condition for allowance. Notice to that effect is respectfully requested.

Applicants have enclosed a check for fees as set forth under 37 C.F.R. 1.16(b)(c). If additional fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 500471.

The Examiner is invited to contact the Applicants' Representative at the below-listed telephone number if there are any questions regarding this response.

Respectfully submitted,

Timothy S. Wasinger et al.,

By their attorneys,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 14 day of August, 2003.

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